



General Assembly

January Session, 2007

Raised Bill No. 1297

LCO No. 4688

04688_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING CITIZEN CORPS VOLUNTEERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (5) of section 28-1 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (5) "Civil preparedness forces" means any organized personnel
5 engaged in carrying out civil preparedness functions in accordance
6 with the provisions of this chapter or any regulation or order adopted
7 pursuant to this chapter. All the police and fire forces of the state or
8 any political subdivision of the state, or any part of any political
9 subdivision, including all the auxiliaries of these forces and emergency
10 medical service personnel licensed or certified pursuant to section 19a-
11 179, shall be construed to be a part of the civil preparedness forces. The
12 Connecticut Disaster Medical Assistance Team and the Medical
13 Reserve Corps, under the auspices of the Department of Public Health,
14 the Connecticut Urban Search and Rescue Team, under the auspices of
15 the Department of Emergency Management and Homeland Security,
16 and the Connecticut behavioral health regional crisis response teams,
17 under the auspices of the Department of Mental Health and Addiction

18 Services, [and] the Department of Children and Families and the
 19 Citizen Corps, and their members, shall be construed to be a part of the
 20 civil preparedness forces while engaging in authorized civil
 21 preparedness duty or while assisting or engaging in authorized
 22 training for the purpose of eligibility for immunity from liability as
 23 provided in section 28-13 and for death, disability and injury benefits
 24 as provided in section 28-14. Any member of the civil preparedness
 25 forces who is called upon either by civil preparedness personnel or
 26 state or municipal police personnel to assist in any emergency shall be
 27 deemed to be engaging in civil preparedness duty while assisting in
 28 such emergency or while engaging in training under the auspices of
 29 the Department of Emergency Management and Homeland Security,
 30 the Department of Public Safety, the Division of State Police within the
 31 Department of Public Safety or a municipal police department, for the
 32 purpose of eligibility for death, disability and injury benefits as
 33 provided in section 28-14.

34 Sec. 2. Section 28-7 of the general statutes is repealed and the
 35 following is substituted in lieu thereof (*Effective October 1, 2007*):

36 (a) Each town or city of the state shall establish a local organization
 37 for civil preparedness in accordance with the state civil preparedness
 38 plan and program, provided any two or more towns or cities may,
 39 with the approval of the commissioner, establish a joint organization
 40 for civil preparedness. The authority of such local or joint organization
 41 for civil preparedness shall not supersede that of any regularly
 42 organized police or fire department. No town or city of the state shall
 43 be eligible for any state or federal benefits under this chapter until such
 44 town or city has submitted to the commissioner an emergency plan of
 45 operations approved by the local director of civil preparedness and the
 46 local chief executive which is subsequently approved by the
 47 commissioner.

48 (b) Each local organization for civil preparedness shall consist of an
 49 advisory council and a director appointed by the chief executive

50 officer. The advisory council shall contain representatives of city or
51 town agencies concerned with civil preparedness and representatives
52 of interests, including business, labor, agriculture, veterans, women's
53 groups and others, which are important to the civil preparedness
54 program in the particular community. The director shall be responsible
55 for the organization, administration and operation of such local
56 organization, subject to the direction and control of the commissioner.
57 The chief executive officer may remove any local director for cause.

58 (c) Each local or joint organization shall perform such civil
59 preparedness functions in the territorial limits within which it is
60 organized as the commissioner prescribes. In addition, such local or
61 joint organization shall conduct such functions outside such territorial
62 limits as are prescribed by the state civil preparedness plan and
63 program or by the terms of any mutual aid agreements to which the
64 town is a party.

65 (d) The director of each local or joint organization may, with the
66 approval of the commissioner, collaborate with other public and
67 private agencies within the state and develop or cause to be developed
68 mutual aid agreements for civil preparedness aid and assistance in
69 case of disaster too great to be dealt with unassisted. The director of
70 such joint or local organization may, with the approval of the
71 commissioner, enter into such mutual aid agreements with civil
72 preparedness agencies or organizations in other states. Such
73 agreements shall be consistent with the state civil preparedness plan
74 and program and, in time of emergency, each local or joint
75 organization shall render assistance in accordance with the provisions
76 of such agreements to which it is a party unless otherwise ordered by
77 the commissioner.

78 (e) Each town or city shall have the power to make appropriations
79 for the payment of salaries and expenses of its local or joint
80 organization or any other civil preparedness agencies or
81 instrumentalities.

82 (f) In the event of a serious disaster or of a sudden emergency, when
83 such action is deemed necessary for the protection of the health and
84 safety of the people, and upon request of the local chief executive
85 authority, the Governor or the commissioner, without regard to the
86 provisions of section 22a-148, may authorize the temporary use of such
87 civil preparedness forces, including civil preparedness auxiliary police
88 and firemen, as he deems necessary. Personnel of such civil
89 preparedness forces shall be so employed only with their consent. The
90 provisions of section 28-14 shall apply to personnel so employed.

91 (g) The state shall reimburse any town or city rendering aid under
92 this section for the compensation paid and actual and necessary travel,
93 subsistence and maintenance expenses of employees of such town or
94 city while rendering such aid, and for all payments for death, disability
95 or injury of such employees or Citizen Corps volunteers in the course
96 of rendering such aid and for all losses of or damage to supplies or
97 equipment of such town or city incurred in the course of rendering
98 such aid.

99 (h) Whenever, in the judgment of a local civil preparedness director,
100 with prior approval of the commissioner, it is deemed essential to
101 authorize the temporary assignment, with their consent, of any
102 members of or Citizen Corps volunteers for civil preparedness forces
103 who are not paid employees of the state or any political subdivision
104 thereof, for a temporary civil preparedness mission, the provisions of
105 section 28-14 shall apply. A complete written record of the conditions
106 and dates of such assignment shall be maintained by the local director
107 concerned and such record shall be available for examination by the
108 commissioner and the Attorney General. The commissioner shall
109 establish the necessary procedures to administer this section.

110 Sec. 3. Section 28-13 of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2007*):

112 (a) Neither the state nor any political subdivision of the state nor,
113 except in cases of wilful misconduct, the agents or representatives of

114 the state or any political subdivision thereof nor any member of or
 115 Citizen Corps volunteer for the civil preparedness forces of the state
 116 nor any person authorized by such civil preparedness forces or by any
 117 member of such civil preparedness forces complying with or
 118 attempting to comply with this chapter or any order or regulation
 119 promulgated pursuant to the provisions of this chapter, or pursuant to
 120 any ordinance relating to blackout or other precautionary measures
 121 enacted by any political subdivision of the state nor any person
 122 employed by or authorized to assist any agency of the federal
 123 government in the prevention or mitigation of any major disaster or
 124 emergency, shall be liable for the death of or injury to persons or for
 125 damage to property as a result of any such activity. The Attorney
 126 General shall appear for and defend the state, any political subdivision
 127 of the state and the agents or representatives of the state or any
 128 political subdivision thereof or any member of the civil preparedness
 129 forces of the state or any other person exempted from liability for his
 130 acts under this section in any civil action brought for the death of or
 131 injury to persons or for damage to property as a result of any civil
 132 preparedness activity.

133 (b) Any person, corporation, partnership or association who denies
 134 access to property owned or under the control of such entity to any
 135 person acting in accordance with this chapter during a civil
 136 preparedness emergency, shall be fined not less than fifty dollars nor
 137 more than five hundred dollars.

138 Sec. 4. Section 28-14 of the general statutes is repealed and the
 139 following is substituted in lieu thereof (*Effective October 1, 2007*):

140 (a) All members of or Citizen Corps volunteers for any auxiliary
 141 police, auxiliary fire or other civil preparedness force shall be
 142 compensated for death, disability or injury incurred while in training
 143 for or on civil preparedness duty under the provisions of this chapter
 144 as follows: (1) Employees of the state, municipalities or political
 145 subdivisions of the state who are members of civil preparedness forces

146 and for whom such compensation is provided by any provision of
147 existing law shall be construed to be acting within the scope of their
148 employment while in training for or engaged in civil preparedness
149 duties and shall be compensated in accordance with the provisions of
150 chapter 568, section 5-142 or any special act concerning compensation
151 to certain employees: Regular policemen or firemen who are members
152 of the State Police Association or the State Firemen's Association shall
153 be construed to be acting within the scope of their employment while
154 in training for or engaged in civil preparedness duties and shall be
155 entitled to all the benefits as members of said associations; (2) any
156 persons who are engaged in regular employment apart and separate
157 from their duties as members of civil preparedness forces and for
158 whom such compensation is not so provided shall, while in training
159 for or engaged in civil preparedness duty under the provisions of this
160 chapter, be construed to be employees of the state for the purposes of
161 chapter 568 and section 5-142 and shall be compensated by the state in
162 accordance with the provisions of said chapter 568 and section 5-142.
163 For the purposes of this subsection, the average weekly wage, as said
164 term is used in said chapter 568, shall be ascertained by dividing the
165 total wages received by the injured person from all employers during
166 the twenty-six calendar weeks immediately preceding that in which he
167 was injured by the number of calendar weeks during which, or any
168 portion of which, such person was actually employed, but, in making
169 such computation, absence for seven consecutive calendar days,
170 though not in the same calendar week, shall be considered as absence
171 for a calendar week. For the purpose of determining the amount of
172 compensation to be paid in the case of a minor under the age of
173 eighteen years who has sustained an injury entitling him to
174 compensation for total or partial incapacity for a period of fifty-two or
175 more weeks, or to specific indemnity for any of the injuries
176 enumerated in section 31-308, fifty per cent may be added to the
177 average weekly wage. When the injured person is a trainee or
178 apprentice receiving a subsistence allowance from the United States
179 because of war service, such allowance shall be added to his actual

180 earnings in determining the average weekly wage. All claims under
 181 this subsection shall be determined according to the procedures
 182 specified in chapter 568. For the purpose of this subsection, no person
 183 shall be considered regularly employed unless his total employment
 184 previous to injury as provided above exceeds a net period of thirteen
 185 calendar weeks; (3) any member of or Citizen Corps volunteer for the
 186 civil preparedness forces not covered in subdivision (1) or (2) hereof,
 187 for disability or injury incurred while in training or on civil
 188 preparedness duty under the provisions of this chapter, or his
 189 dependents in the event of his death while in such training or on such
 190 civil preparedness duty, shall be compensated by the state in such
 191 amount as is determined to be just and reasonable by the
 192 compensation commissioner for the district in which such member or
 193 Citizen Corps volunteer resides or resided, provided a claim shall be
 194 made in writing to the commissioner for the district in which the
 195 claimant resides within one year from the date of injury or death. In no
 196 event shall such amount exceed the maximum payments provided in
 197 chapter 568 or be less than the minimum wage as determined by the
 198 Labor Commissioner for a period of recovery from injury to be
 199 determined by such compensation commissioner.

200 (b) Any sums payable under any Act of Congress or other federal
 201 program as compensation for death, disability or injury of civil
 202 preparedness workers shall be deducted from the amount payable
 203 under subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	28-1(5)
Sec. 2	<i>October 1, 2007</i>	28-7
Sec. 3	<i>October 1, 2007</i>	28-13
Sec. 4	<i>October 1, 2007</i>	28-14

Statement of Purpose:

To hold Citizen Corps volunteers harmless from any liability and to provide for their compensation in case of injury or death when they are assisting during emergency situations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]